

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARLOS ABREU,

Plaintiff,

v.

9:18-CV-0989
(MAD/ATB)

MS. WELLS, et al.,

Defendants.

APPEARANCES:

CARLOS ABREU
046 046 276
Plaintiff, pro se
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, NY 14020

MAE A. D'AGOSTINO
United States District Judge

DECISION and ORDER

I. INTRODUCTION

In August 2018, plaintiff Carlos Abreu ("Plaintiff") commenced this civil rights action alleging that Defendants violated his constitutional rights arising out of his confinement in the Residential Mental Health Unit at Marcy Correctional Facility ("Marcy C.F."). See Dkt. No. 1 ("Compl."). The procedural history of this matter was summarized, at length, in a Decision and Order filed on May 14, 2019 (the "May 2019 Order") and will not be restated herein. See Dkt. No. 22.

In the May 2019 Order, the Court directed the Attorney General's Office to contact

prison officials at Great Meadow Correctional Facility ("Great Meadow C.F.") and/or DOCCS, to determine the location of Plaintiff's legal documents and paperwork and to provide the Court with a Status Report. See Dkt. No. 22 at 8. On May 21, 2019, the Attorney General's Office filed a Status Report advising that, Plaintiff's brother, "E. Abreu", took possession of Plaintiff's legal paperwork from Great Meadow C.F. on April 21, 2019. See Dkt. No. 24. Counsel has provided documentary proof of that transaction. See Dkt. No. 24-1.

Based upon the Status Report, the Court finds that Plaintiff has not demonstrated "good cause" for his inability to serve Defendants. Consequently, Plaintiff must serve Defendants within thirty (30) days of the filing date of this Order. Plaintiff is reminded that his failure to effectuate service may result in dismissal of his action pursuant to Fed. R. Civ. P. 4(m); 41(b) and Local Rule 41.2.¹

IT IS SO ORDERED.

Dated: July 19, 2019
Albany, New York


Mae A. D'Agostino
U.S. District Judge

¹ As noted in the May 2019 Order, Plaintiff has six additional civil rights lawsuits pending in this District. In those cases, the Attorney General's Office advised that Plaintiff was deported, on May 21, 2019, to the Dominican Republic. See e.g., *Abreu v. Thomas, et. al.*, No. 9:17-CV-1312 (DNH/ML), Dkt. No. 49. The Court will take judicial notice of the Status Report filed in Plaintiff's other lawsuits. See *Int'l Star Class Yacht Racing Ass'n v. Tommy Hilfiger U.S.A., Inc.*, 146 F.3d 66, 70 (2d Cir. 1998) ("A document filed on a separate docket may be judicially noticed[.]"). Plaintiff's last known address, and address currently listed on the Docket Report for this action is Buffalo Federal Detention Center. The Court has not been provided with a Notice of Change of Address. Additionally, there is no indication on the docket that the May 2019 Order was not delivered to Plaintiff. The Court previously advised Plaintiff of his continuing obligation to keep the court informed of address changes. See Dkt. No. 15.